

Remarks

In the Office action dated August 24, 2006 (“Office action”), the Examiner imposes a four-way restriction requirement as follows:

Group I – claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38-41, 43-51, 62-66, 68, 69, 71-73, and 75-81;

Group II – claims 21, 22, 24, 52-55, 57-59, 83 and 95-101;

Group III – claims 82, 84, 86, and 87-94; and

Group IV – claim 85.

Applicants elect Group I, which includes claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38-40, 41, 43, 44-51, 62-66, 68, 69, 71-73, 75-77, 78-81, and 102-103, with traverse. Applicants note that claims 102 and 103 were not listed in any of the restriction groups (claims 102 and 103 were added with the amendment filed June 1, 2006). However, because claims 102 and 103 depend from independent claims in Group I, Applicants are including the claims in Group I.

Applicants respectfully disagree with the Examiner’s characterizations and classifications of the claims, and with the need for a restriction requirement. In the Office action, the Examiner takes the position that Groups I, II, III and IV are related as sub-combinations disclosed as usable together in a single combination. (*See* MPEP § 806.05(d)). Even if, for the sake of argument, Groups I, II, III and IV might be viewed as sub-combinations usable together as a single combination, the Examiner has not provided sufficient reasons for insisting upon restriction. (*See* MPEP § 808.02). The subject matter of the pending claims has already been examined by this Examiner in multiple Office actions. The Examiner previously identified subject matter of various dependent claims as being allowable (which resulted in Applicants rewriting those dependent claims in independent format, and paying extra claim fees). Moreover, the application has already been subjected to a restriction requirement. In summary, the Examiner has not sufficiently explained why there would be a “serious burden” if restriction is not required. (*See* MPEP § 808.02).

Initialed Form 1449 not yet received

On February 17, 2006 (stamped received by the U.S. P.T.O. on February 21, 2006), the Applicants submitted an Information Disclosure Statement listing 2 references. The Applicants have not yet received an initialed form 1449 for this IDS. The Applicants respectfully request that the Examiner provide the initialed form 1449 for this IDS. *See* MPEP § 609 (“An

information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application.”).

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Cory A. Jones/
Cory A. Jones
Registration No. 55,307